

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 963

Introduced by Assembly Member Ammiano

February 26, 2009

An act to add Sections 14012.6, 14012.7, and 14012.8 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 963, as amended, Ammiano. Medi-Cal eligibility.

Existing law creates various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements, including, but not limited to, the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care benefits. Existing law also provides for the Food Stamp Program, under which food stamps are allocated by each county in accordance with federal requirements, and the ~~CalWORKS~~ *CalWORKs* program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals who meet specified eligibility criteria. Under existing law, the Food Stamp Program and the *CalWORKs* program are administered at the state level by the State Department of Social Services.

This bill would require the department, in consultation with the State Department of Social Services, *counties, representatives from the Statewide Automated Welfare System (SAWS) consortia, consumer advocates, and other stakeholder groups* to make necessary

technological and policy changes to update the data sharing, computer programming, and administrative procedures, as provided, to ensure the continuation of Medi-Cal benefits when a beneficiary reports a change in circumstances to the Food Stamp Program or the CalWORKs program that would continue Medi-Cal eligibility. The bill would declare these provisions to be declaratory of existing law.

This bill would provide that a beneficiary who completes a periodic report or annual renewal form in the CalWORKs program or Food Stamp Program shall be deemed to have met the requirements to return and sign a periodic report or annual form for the next scheduled period in the Medi-Cal program. The bill would provide that if information a beneficiary submits in the CalWORKs program or Food Stamp Program periodic reporting or annual renewal process is sufficient to continue Medi-Cal eligibility, the county shall deem the beneficiary to have met the Medi-Cal annual redetermination requirement.

This bill would provide that an individual or family that submits and signs a Food Stamp Program application through any method accepted by the Food Stamp Program shall be deemed to have met the requirement to submit and sign a Medi-Cal application. The bill would provide that if the information an applicant submits in the Food Stamp Program application is sufficient to establish Medi-Cal eligibility, the county shall enroll the applicant into the Medi-Cal program. The bill would require the department to develop a procedure to, among other things, give applicants the opportunity to opt out of being enrolled in the Medi-Cal program based on information given in his or her Food Stamp Program application. By modifying the Medi-Cal eligibility determination process, this bill would increase the responsibilities of the counties in the administration of the Medi-Cal program, thereby imposing a state-mandated local program.

The bill would require the department to issue comprehensive implementing instructions for policies and procedures, as specified, for the aforementioned provisions, on or before March 1, 2011.

This bill would require the department to establish procedures and guidelines for ~~pre-populated~~ *prepopulated* renewal forms for all potential and current Medi-Cal beneficiaries. The ~~pre-populated~~ *prepopulated* renewal form and procedures ~~shall~~ *would* be used for all beneficiaries whose Medi-Cal renewal is not accomplished pursuant to the ~~aforementioned enrollment~~ *renewal procedures established pursuant to this bill*. The bill would require the procedures and guidelines ~~to be phased in statewide~~ *include a timeline for phasing in the prepopulated*

renewal forms statewide, beginning January 2011, and fully phasing in the prepopulated renewal forms by January 2012.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14012.6 is added to the Welfare and
2 Institutions Code, to read:
3 14012.6. (a) (1) The department, in consultation with the State
4 Department of Social Services, counties, representatives from the
5 Statewide Automated Welfare System (SAWS) consortia,
6 consumer advocates, and other stakeholder groups, shall make all
7 necessary technological and policy changes to update data sharing,
8 computer programming, and administrative procedures, to ensure
9 that Medi-Cal is continued when a Medi-Cal beneficiary reports
10 a change in circumstances to the Food Stamp Program or the
11 CalWORKs program that would continue Medi-Cal eligibility.
12 (2) Nothing in this section shall increase the frequency of the
13 reporting requirements in the Medi-Cal program or amend the
14 counties' obligation to redetermine Medi-Cal eligibility and follow
15 all due process requirements prior to terminating Medi-Cal benefits.
16 (3) A beneficiary's failure to complete a periodic report or
17 annual renewal requirement in the CalWORKs program or Food
18 Stamp Program shall not result in termination or redetermination
19 of Medi-Cal eligibility.
20 (4) This subdivision is declaratory of existing law.
21 Implementation of this subdivision shall not be delayed in order
22 to implement the other provisions of this section.
23 (b) A beneficiary who completes a periodic report or annual
24 renewal form in the CalWORKs program or Food Stamp Program
25 shall be deemed to have met the requirement to return and sign a

1 periodic report or annual renewal form for the next scheduled
2 period in the Medi-Cal program.

3 (c) If information a beneficiary submits in the CalWORKs
4 program or Food Stamp Program periodic reporting or annual
5 renewal process is sufficient to continue Medi-Cal eligibility, the
6 county shall deem the beneficiary to have met the Medi-Cal annual
7 redetermination requirement in Section 14012. These Medi-Cal
8 beneficiaries shall have their eligibility continued for the greatest
9 period of time allowed under this chapter and all scheduled renewal
10 dates or reporting dates, if any, shall be reset accordingly from the
11 date of redetermination. Nothing in this section affects a
12 beneficiary's responsibility to report changes to the county that
13 affect Medi-Cal eligibility within 10 days of their occurrence.

14 (d) The procedures described in this section shall be conducted
15 by electronic means to the greatest extent possible and shall be
16 developed according to subdivision (g).

17 (e) The information shared pursuant to this section shall not be
18 used for any other purposes except as set out in this section.

19 (f) This section shall supplement, not supplant, the requirements
20 already in effect pursuant to subdivision (e) of Section 14005.37.

21 (g) The department, in conjunction with counties, the State
22 Department of Social Services, and representatives of the SAWS
23 consortia, consumers, and other affected stakeholder groups, shall
24 conduct a planning process and develop administrative enrollment
25 and renewal policies and procedures, to be implemented by ~~all~~
26 ~~county~~ *all-county* letters or similar instructions. After
27 implementation by ~~all-county~~ *all-county* letters or similar
28 instructions, the department shall adopt regulations in accordance
29 with the requirements of Chapter 3.5 (commencing with Section
30 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
31 Comprehensive implementing instructions shall be issued no later
32 than March 1, 2011. The policies and procedures shall do all of
33 the following:

34 (1) Establish appropriate data sharing procedures and safeguards
35 that do not require any additional consent from beneficiaries for
36 the information sharing pursuant to this section and that meet
37 confidentiality and privacy requirements in the Medi-Cal program.

38 (2) Give priority to the programming changes necessary to
39 enable the SAWS consortia to automate this enrollment and
40 renewal procedure in order to minimize manual workload.

1 (3) Develop procedural protections to ensure that beneficiaries
2 experience no disruption in coverage and no diminution of their
3 rights under this chapter.

4 SEC. 2. Section 14012.7 is added to the Welfare and
5 Institutions Code, to read:

6 14012.7. (a) An individual or family that submits and signs a
7 Food Stamp Program application through any method accepted
8 by the Food Stamp Program shall be deemed to have met the
9 requirement to submit and sign a Medi-Cal application.

10 (b) If information an applicant submits in the Food Stamp
11 Program application is sufficient to establish Medi-Cal eligibility,
12 the county shall enroll the applicant into the Medi-Cal program.

13 (c) For an applicant who is not enrolled into the Medi-Cal
14 program based upon information provided in his or her Food Stamp
15 Program application, the county shall make every reasonable effort
16 to gather information available to the county that is relevant to the
17 applicant's Medi-Cal eligibility prior to contacting the applicant.
18 The county shall follow the same process used for redeterminations
19 of eligibility described in subdivisions (e) to (g), inclusive, of
20 Section 14005.37 to attempt to establish Medi-Cal eligibility.

21 (d) All Medi-Cal applicants whose Medi-Cal eligibility is
22 established pursuant to this section shall have their eligibility
23 established for the greatest period of time allowed under this
24 chapter and all scheduled renewal dates or reporting dates, if any,
25 shall be set accordingly from the date the Medi-Cal applicant
26 submits his or her Food Stamp Program application. Nothing in
27 this section affects a beneficiary's responsibility to report changes
28 to the county that affect Medi-Cal eligibility within 10 days of
29 their occurrence.

30 (e) The procedures described in this section shall be conducted
31 by electronic means to the greatest extent possible and shall be
32 developed according to subdivision (h).

33 (f) The information shared pursuant to this section shall not be
34 used for any other purposes except as set out in this section.

35 (g) This section shall supplement, not supplant, the requirements
36 already in effect pursuant to subdivision (e) of Section 14005.37.

37 (h) The department, in conjunction with counties, the State
38 Department of Social Services, and representatives of the SAWS
39 consortia, consumers, and other affected stakeholder groups, shall
40 conduct a planning process and develop administrative enrollment

1 and renewal policies and procedures, to be implemented by ~~all~~
2 ~~county~~ *all-county* letters or similar instructions. After
3 implementation by ~~all-county~~ *all-county* letters or similar
4 instructions, the department shall adopt regulations in accordance
5 with the requirements of Chapter 3.5 (commencing with Section
6 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
7 Comprehensive implementing instructions shall be issued no later
8 than March 1, 2011. The policies and procedures shall do all of
9 the following:

10 (1) Establish appropriate data sharing procedures and safeguards
11 that do not require any additional consent from applicants for the
12 information sharing pursuant to this section and that meet
13 confidentiality and privacy requirements in the Medi-Cal program.

14 (2) Give priority to the programming changes necessary to
15 enable the SAWS consortia to automate this application and
16 enrollment procedure in order to minimize manual workload.

17 (3) Develop procedural protections to ensure that applicants
18 experience no delay in coverage and no diminution of their rights
19 under this chapter.

20 (4) Develop a procedure whereby applicants for benefits under
21 the Food Stamp Program are informed about the benefits of the
22 Medi-Cal program and are given an opportunity to opt out of
23 Medi-Cal enrollment, as described in subdivision (b). The opt out
24 procedure shall be minimally burdensome to the applicant. The
25 county shall presume the applicant wants to be enrolled in the
26 Medi-Cal program unless the applicant expressly opts out verbally,
27 in writing, or electronically, and the county documents the opt out
28 in the case file.

29 SEC. 3. Section 14012.8 is added to the Welfare and
30 Institutions Code, to read:

31 14012.8. (a) The department, in conjunction with counties and
32 representatives of the Statewide Automated Welfare System
33 (SAWS) consortia, consumers, and other affected stakeholder
34 groups, shall establish procedures and guidelines for ~~pre-populated~~
35 *prepopulated* renewal forms for all potential and current Medi-Cal
36 beneficiaries.

37 (b) The ~~pre-populated~~ *prepopulated* renewal form and
38 procedures shall be used for all beneficiaries whose Medi-Cal
39 renewal is not accomplished through the renewal procedures set

1 forth in Sections 14012.6 and 14012.7. Periodic reporting forms,
2 if any, shall also be created in accordance with this subdivision.

3 (c) The department shall use the ~~pre-populated~~ *prepopulated*
4 renewal form as the annual reaffirmation form required under
5 Section 14012.

6 (d) The procedures and guidelines established pursuant to this
7 section shall include a timeline for phasing in ~~this procedure~~ *the*
8 *prepopulated renewal forms* statewide, beginning in January 2011,
9 and fully phasing in the ~~procedure~~ *prepopulated renewal forms*
10 by January 2012.

11 SEC. 4. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.